

DEFAULT

FOR PARENTING TIME, LEGAL DECISION-MAKING, AND CHILD SUPPORT

YOU CAN USE THIS PACKET IF ALL THIS IS TRUE:

- You filed a Petition for parenting time, legal decision-making, and child support.
- You served the court papers on Respondent.
- You filed proof of service with the court.
- Respondent failed to respond.
- Respondent is not on active duty with the military.
- You want to finish the case.

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

STEP 1: FILL OUT THE FOLLOWING FORMS

- ☐ Application for Default and Entry of Default
- ☐ Request for a Default Hearing
- ☐ Order Setting a Default Hearing
- ☐ Decree of Parenting Time, Legal Decision-Making and Child Support

You must list exactly the same things on the Decree that you listed on the Petition. You cannot use the Decree to ask for something new or different from what you asked for on the Petition.

STEP 2: FILE THE FORMS WITH THE COURT

Take or mail the original and two copies of the forms listed above to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

STEP 3: MAIL THE FORMS TO RESPONDENT

Mail a copy of the forms to Respondent on the day you file them. If Respondent has an attorney, also mail them to the attorney. If 1) you don't know Respondent's whereabouts and 2) Respondent doesn't have an attorney or you don't know whether Respondent has an attorney, mail them to Respondent's last known address.

STEP 4: IF RESPONDENT FILES A RESPONSE: USE THE LAW LIBRARY PACKET CALLED *DISCLOSURE*

STEP 5: IF RESPONDENT DOES NOT FILE A RESPONSE:

- 1. The court will mail you the signed Order Setting a Default Hearing with the hearing date filled in.**
- 2. Deliver the Order Setting Default Hearing to Respondent.**

By three days before the hearing, mail or hand-deliver a copy of the signed Order Setting Hearing to Respondent if you know where Respondent lives. If Respondent has an attorney, deliver the copy to the attorney.

- 3. Go to the hearing.**

Be prepared to tell the judge why you think the court should grant your requests.

Before the court date, watch the court video *How to Represent Yourself in Court* online at <http://www.youtube.com/watch?v=SfSclA2BkCk> to learn about procedures in court.

**4. By 3 days after the court signs the Decree:
Deliver to the other party each form the court signs.**

If you don't know the other party's whereabouts and the other party doesn't have an attorney: Skip this step.

Mail or hand-deliver to the other party a copy of each form the court signs. If the other party has an attorney, deliver them to the attorney.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

**APPLICATION FOR DEFAULT AND
ENTRY OF DEFAULT**

Respondent: _____

Notice to Respondent: *If you do not file a written response with the court or otherwise defend in this action within 10 days of this Application being filed, a default judgment may be entered against you.*

I, Petitioner, ask the court to enter default of Respondent. I served a copy of the Petition and Summons on Respondent, and Respondent failed to plead or otherwise defend in this action within the time required by law. Respondent is not in military service.

[] I served the Summons by publication in a newspaper. I don't know Respondent's whereabouts, and Respondent doesn't have an attorney or I don't know whether Respondent has an attorney.

Certificate of Mailing: On the day I file it, I will mail a copy of this document to the other party and his/her attorney if he/she has one at *(if you knew Respondent's address when you served the Summons, but you do not know it now, enter Respondent's last known address)*:

Respondent:
Street Address: _____ City, State, Zip: _____
Respondent's Attorney's Name: _____
Street Address: _____ City, State, Zip: _____

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

ENTRY OF DEFAULT

Respondent was properly served with the necessary papers in this case. Respondent failed to respond in the manner or time required by law. Default of Respondent is entered.

Date: _____

Clerk of Superior Court by Deputy Clerk

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

**REQUEST FOR A DEFAULT
HEARING**

Respondent: _____

I, Petitioner, ask the court to set a default hearing in this case. Respondent has defaulted, and all applicable time periods have passed.

Date: _____ Petitioner's Signature: _____

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

Petitioner: _____ Case Number: DO _____

**ORDER SETTING A DEFAULT
HEARING**

Respondent: _____

Leave the rest of the form blank. This is for the court to fill in.

Good cause appearing, IT IS ORDERED that a default hearing is set in this case as follows:

Date: _____

Time: _____

Superior Court Division: _____

(All Divisions are in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff.)

If you know in advance that you can't attend the hearing on the date scheduled, you may ask the court to reschedule, or "continue", the hearing. Asking for a continuance involves multiple steps and deadlines that the court will expect you to know and follow. See the Self-Help Center packet *Moving a Court Date to a Later Date*.

Date: _____

Superior Court Judge: _____

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self _____

COCONINO COUNTY SUPERIOR COURT

Petitioner: _____ Case Number: DO _____

**DECREE OF PARENTING TIME,
LEGAL DECISION-MAKING AND
CHILD SUPPORT**

[] AND PATERNITY ORDER

Respondent: _____ Atlas Number: _____

THE COURT FINDS:

This case has come before the court for a Decree of Parenting Time, Legal Decision-Making, and Child Support. The court has taken all testimony needed to enter a Decree. The court has jurisdiction over the parties under the law, and the provisions of this Decree are fair and reasonable under the circumstances. The conciliation provisions have been met or do not apply.

Minor Children:

The following children were born to Petitioner and Respondent when they were not married to each other.

CHILD'S NAME: _____	Birthdate: _____
CHILD'S NAME: _____	Birthdate: _____
CHILD'S NAME: _____	Birthdate: _____

Parent Information Class:

Leave the Parent Information Class section blank.

[] The parties have attended the Parent Information Class as evidenced by the Certificates of Completion in the court file, or attendance has been waived by the Court; OR

- ☐ ☐ Petitioner and/or ☐ Respondent has not completed the parent information class. Until completion of the class, the court may deny relief in favor of that party, hold that party in contempt of court, or impose any other sanction reasonable in the circumstances, including but not limited to enforcing or modifying this Decree.

THE COURT ORDERS:

Paternity:

- ☐ Father is the children's father. Father's Name: _____

- ☐ Father's name shall be added to each child's birth certificate. If any of the children's birth certificates list the name of a father other than Father, that name shall be changed as follows:

Child's Name	Change This Father's Name:	To This Father's Name:
_____	_____	_____
_____	_____	_____
_____	_____	_____

- ☐ Each child's last name is changed to Father's last name, and for each child a new birth certificate shall be issued showing the new name, as follows:

The Current Name	Is Changed to the New Name	Birthdate
_____	_____	_____
_____	_____	_____
_____	_____	_____

- ☐ ☐ Petitioner or ☐ Respondent shall pay the other party \$_____ for the cost of pregnancy, childbirth, and/or the children's past medical expenses in the amount of \$_____ per month until paid in full. The first payment is due on the first day of _____.
- ☐ Respondent shall pay Petitioner \$_____ for Petitioner's costs and expenses for this action in the amount of \$_____ per month until paid in full. The first payment is due on the first day of _____.

Legal Decision-Making About the Children:

- ☐ **Joint Legal Decision-Making:** The parties are awarded joint legal decision-making about the children as set forth in the Joint Legal Decision-Making Agreement signed by the parties and filed with the Court. The Court adopts the terms of the Agreement. The Agreement has become part of the Decree and carries the same legal weight as the Decree. No significant domestic violence has occurred between the parties.

- ☐ **Sole Legal Decision-Making:** ☐ Petitioner or ☐ Respondent is awarded sole legal decision-Making about the children. Joint legal decision-making is not in the children's best interest because *(you must fill in this blank if you ask for sole legal decision-making)*:

Children's Primary Residence:

- ☐ Children will live mostly with Petitioner.
- ☐ Children will live mostly with Respondent.
- ☐ Children will live equally with Petitioner and Respondent.

Parenting Time:

☐ The Court Orders This Parenting Time Plan:

The children will be in Petitioner's care at these times:

At the start of Petitioner's time with the children, ☐ Respondent will drop them off or
☐ Petitioner will pick them up at this time: _____
at this location: _____

The children will be in Respondent's care at these times:

At the start of Respondent's time with the children, ☐ Petitioner will drop them off or
☐ Respondent will pick them up at this time: _____
at this location: _____

While the parties understand the court may enforce this drop-off and pick-up schedule, they will be reasonably flexible about it.

Other scheduling arrangements:

- ☐ During summer months or school breaks longer than four days not listed in the holiday schedule below, the children will be in ☐ Petitioner's or ☐ Respondent's care.
- ☐ We each are entitled to an annual _____-week vacation with the children. We will work out the details of the vacation at least _____ days in advance.
- ☐ Neither party will travel with the children outside Arizona for longer than _____ days without the prior written consent of the other party or order of the court.

The parties will inform each other of plans to travel out of the area with the children and of addresses and phone numbers where we and children can be reached during travel.

Holidays:

	Even Years		Odd Years	
	Petitioner	Respondent	Petitioner	Respondent
New Year's Eve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Year's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spring Vacation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Easter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Passover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mother's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Father's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 th of July	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Halloween	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Veteran's Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thanksgiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hanukkah	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christmas Eve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christmas Day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Winter Break	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children's Birthdays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Each party will have the children on that party's birthday.

☐ On three-day weekends, which include Martin Luther King Day, President's Day, Memorial Day, Labor Day, and Columbus Day, the children will remain in the care of the party who has them for the weekend.

Holiday times will begin and end as follows: _____

Phone access:

☐ Each party may contact the children by phone during the children's normal waking hours.

☐ Other: _____

Religion:

☐ Each party may take the children to a place of worship of that party's choice while the children are in that party's care.

☐ The children may be instructed in the following faith: _____

☐ Religious arrangements do not apply to this Plan.

Communicating with each other: The parties will communicate with each other about the children ☐ by phone ☐ by email ☐ by text ☐ in person at least every _____ days.

The parties may change the parenting plan by written agreement only, except in an emergency.

Reviewing the plan: The parties will review this Plan every _____ months and ask the court for any necessary or desired changes.

Disagreements: If the parties have disagreements about this Parenting Plan in the future – such as about changes, violations, or moving with the children – they’ll make their best effort to cooperate and come to agreements in the children’s best interest. If they can’t agree, they have the option to ask for mediation through the court or a private mediator of their choice. While they’re trying to come to an agreement, they will continue to follow this Parenting Plan.

Other: _____

[] The Court Orders Supervised Parenting Time:

Unsupervised parenting time would endanger the children’s physical, mental, moral, or emotional health because:

Parenting time may take place only in the presence of another person, named as follows:

Other restrictions on parenting time:

The cost of supervised parenting time, if any, will be paid [] by the party being supervised or [] by the custodial party or [] equally by both parties.

[] The Court Orders No Parenting Time:

Even supervised parenting time with the other party would endanger the children’s physical, mental, moral, or emotional health because:

Child Support: Child support shall be paid as stated in the Child Support Order issued on or about this date: *(leave blank)*_____. The child support obligation shall continue until the children have reached age 18 and graduated from high school or have reached 19 and have not graduated from high school. The paying party must apply to the court to terminate child support payments.

Children’s Insurance and Health Care Expenses: The party ordered to pay shall keep the other party informed of the insurance company name, address, and phone number and provide the other party with all documents necessary to submit insurance claims.

Petitioner is responsible for providing [] medical [] dental [] vision care insurance.

Respondent is responsible for providing [] medical [] dental [] vision care insurance.

Petitioner will pay _____% and Respondent will pay _____% of all reasonable un-reimbursed medical, dental, and health related expenses incurred for the children.

Tax Exemptions: The parties' income tax dependency exemptions are divided as follows. A party required to pay child support shall claim children as income tax dependency deductions only if the party has paid all child support due and owing. If there is unpaid child support owed at the end of the tax year, the non-paying party is entitled to claim all deductions for the tax year.

Party Entitled to Claim:

Petitioner	Respondent	Child's Name	Tax Years
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Enforcement of Temporary Orders: *(Leave this paragraph blank.)* For obligations ordered to be paid in the temporary orders dated _____: ☐ they are satisfied in full or ☐ judgment is awarded against the party with the obligation. The amount owing as of the date of this Decree is \$_____. At the legal rate of interest, the total amount currently owing is \$_____.

Other Orders:

Petitioner shall mail a copy of this decree to Respondent.

Date: _____ Superior Court Judge: _____

APPROVED BY:

I have read this Decree, the Child Support Order, and the Income Withholding Order and agree to be bound by their terms and conditions.

Sign in front of a notary. Notaries are at the Self-Help Center in the Courthouse and at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Petitioner's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____